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ABSTRACT

Although juvenile court records are often good predictors of the criminal tendencies of young adults, only sporadic information sharing between police, adult and juvenile courts occurs. A national survey of prosecutors showed that information sharing depends largely on local policy. Nearly half the prosecutors reported receiving little or no juvenile record information. Key decisions concerning young adult felons appeared to be made without knowledge of their juvenile histories. Prosecutors judged probation records to be the most accurate, although police records were used most often. The presence of computerized information systems did not increase information sharing. The findings are unclear as to whether the middle ground most prosecutors claim to be in is due to self-conscious policy or accident. (Author/JAC)

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JUVENILE RECORD USE IN ADULT COURT PROCEEDINGS: A SURVEY OF PROSECUTORS

Joan Petersilia

October 1980

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JUVENILE RECORD USE IN ADULT COURT PROCEEDINGS: A SURVEY OF PROSECUTORS*

INTRODUCTION

The transition from juvenile to adult court occurs during what are probably the peak years of criminality (ages 16 through 23). Arrest statistics show that the majority of persons arrested for serious crime are in this age category. Recently completed self-report studies lend further confirmation of the fact that offenders engage in more frequent and more serious criminality at this age category.[1]

Although young adults commit a disproportionate amount of serious crime, it appears that their chances of being arrested and convicted are lower than for an adult. One study in California found that a juvenile is twice as likely to get away with a robbery as an adult, and two and a half times as likely to get away with a burglary.[2]

Research suggests that the probability that a crime will result in an arrest increases with age and criminal experience. Although older criminals may have gained experience and perhaps gotten more sophisticated in their crimes, their experience does not appear to help them. Their experience is offset by the fact that as a criminal continues to commit crime, police become aware of his modus operandi, associates, and so on, and his arrest and conviction rate increase. Further, the legal constraints which govern the handling of a juvenile arrestee (e.g., inability to fingerprint, photograph, or place in lineup) are not applicable to adult cases. As such, the police are better able to obtain the evidence needed to sustain an arrest charge. Nevertheless, arrest and conviction rates are relatively low for both juvenile and adult offenders.

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The fundamental situation that confronts criminal justice policy-makers is that given the low probability of arrest in the first place (about 12 percent), by the time an offender has accumulated several arrests and convictions he is likely to be past his peak period of criminality.[3] Imprisoning this older habitual offender surely provides retribution, but his isolation from the community may produce a slight impact on the level of crime.

Thus it appears that many offenders are persistent wrongdoers and that the young adult years are the period when the rate of wrongdoing is highest. If we could incapacitate substantial numbers of youthful offenders during their high crime years, we could--at least in absolute numbers--significantly decrease the numbers of offenses committed. The problem is, of course, we do not know which youthful offenders to lock up.

What avenues are available for better identifying those youths who are committing a disproportionate amount of serious crime? Evidence points to a young adult's juvenile record as the most reliable indicator that he is engaging in a high rate of criminal activity at the time of an early adult arrest. Research on recidivism, career progression, and offense rates, show conclusively that the best predictor of early adult criminality--in terms of probability of continuation, seriousness, and frequency of activity--is the official juvenile record.[4] The earlier and the more serious criminal involvement, the greater the risk of adult criminality.

Logically, if juvenile records are the best means for distinguishing the most serious young adult arrestees, then such records should be made available to practitioners for use in decisionmaking. However, complete juvenile histories are often not available. Police, prosecutors, and judges frequently complain that they are unable to obtain prior juvenile histories on young adult defendants. When records are available, they may be difficult to obtain, incomplete, and inaccurate.

Why does the issue of juvenile record availability arise? Without exception, juvenile justice systems in the United States reflect a deep concern for the privacy of a juvenile. They are guided by the tenet that a juvenile should not be stigmatized by his involvement with the juvenile justice system, whether this involvement derives from his status or his delinquent behavior. As stated in In Re Holmes, the purpose of the juvenile proceeding is "not penal but protective, aimed to check juvenile delinquency and turn around a child just starting, perhaps on an evil course . . . no suggestion or taint of criminality is attached to any finding of delinquency by a Juvenile Court."[5] Concern that an individual not be stigmatized by a juvenile record has resulted in numerous laws and procedures to assure that juvenile transgressions do not follow one into adulthood. This gap in information-sharing between the juvenile and the adult justice systems marks what is termed the two-track system of justice.[6]

Unquestionably, protecting young adults from the ramifications of a non-serious delinquent record is appropriate. However, the real issue is whether the records of serious crimes committed by juveniles should be treated similarly. This topic has been the subject of rising controversy, especially as the crimes committed by youths become more serious. The debate generally involves two factions: the defenders of the juvenile court and the actors in the adult system. Defenders of the juvenile court generally advocate non-disclosures of juvenile records (1) as a way of preventing the criminogenic effects of prematurely labeling individuals as criminals, and (2) to protect young adults from adverse repercussions of their youthful transgressions. On the other hand, prosecutors, probation officers, and judges in the adult court, who are responsible for distinguishing between the less serious and more serious defendants who come before them, have a natural curiosity about the juvenile record. Both common sense and prior research tell these officials that the juvenile record is the best available predictor of young adult criminality. Given the pressures placed on these officials to protect the community, it would be surprising if there were not a

variety of channels, both formal and informal, for passing juvenile record information to the criminal court to serve what it sees to be a legitimate need.

Up to this time, the debate about the proper degree of information-sharing and the merits of proposed reforms has been data free.[7] Actual information-sharing practices were only described by anecdotal reference. It would seem that before any reforms can be seriously contemplated, it is necessary to examine current practice, and to see how the present safeguards affect policy.

As an initial probe into this uncharted area, the author surveyed the largest prosecutors' offices in each state.[8] For a variety of reasons the prosecutor was selected as the best target for this initial inquiry. First, his office has more contacts with the rest of the criminal justice system than any other agency. The prosecutor deals directly with the police, probation, court, corrections, and state criminal history systems. Second, the prosecutor makes more policy decisions based on what he thinks is an appropriately desired sanction than any other actor in the system. Decisions involving bail, charging, plea negotiation, and sentence recommendation are often in the hands of the prosecutor. Conceivably, these decisions could be affected by the presence of a juvenile record.

Finally, for survey purposes, the prosecutor has the advantage of being a unified agency in which discretionary decisions are governed by some degree of centralized authority or policy. This is not necessarily the case for officials such as judges or public defenders who have a formally recognized degree of independence in handling their cases.

Despite these advantages, there is a disadvantage in surveying prosecutors. The prosecutor in an adversary system is not a disinterested party. Very few would complain about having too much information; on the contrary, their natural bias is toward maximum information-sharing. Thus the prosecutor's perception of the extent and quality of information shared between the two systems must be viewed with that bias kept in mind.

It was expected that the extent of information shared between juvenile and adult courts would differ dramatically across jurisdictions. Statutes are quite vague in this particular area. Nearly all states have enacted statutory requirements for confidentiality of juvenile records and more than half explicitly include police juvenile records in the mandated confidentiality. Yet these statutes almost without exception are aimed at preventing public disclosure only. All contain specific and most contain open-ended exceptions permitting access to juvenile court and (where considered) police juvenile records. Criminal justice agencies can be specified as an exception requiring at most a juvenile court order, which might be of a blanket nature. There is an almost universal practice among law enforcement agencies to exchange arrest information, including juvenile arrests. This practice has been formalized by statute in some jurisdictions and by professional standards.[9] Although most states have laws that permit the sharing of information in particular instances, the practicality of the matter appears to be the critical issue. Since the juvenile and adult court systems are totally separate institutions--with separate personnel, policies, and record-keeping systems--information-sharing is not a routine matter.

SURVEY OBJECTIVE AND METHOD

This survey involved the largest prosecutors' offices in each state. It sought to answer the following questions:

- What type of juvenile history information does the prosecutor usually have in deciding case dispositions for young adult felony defendants? What is his source for the information?
- At what point in the proceedings does the prosecutor become aware of the defendant's juvenile record?
- Does the prosecutor judge the information in the juvenile record accurate and complete?

- What impact do juvenile records have on prosecutorial decisionmaking?
- What factors (e.g., size of jurisdiction) are related to variations in the extent, quality, and use of juvenile records in adult dispositions?

Before proceeding, a definitional matter should be clarified. Juvenile records are an exceedingly broad entity, encompassing legal, social, psychological, and other items. Our concern is with crime-related information only--mainly records of arrest, adjudication, and disposition for non-minor offenses. These records may be created and/or held within a variety of agencies, including law enforcement, the probation department, the court, and the local state or federal bureaus of criminal history information. Our interest here is not whether the juvenile acquires a criminal record as a result of an arrest, or to what agencies that information is distributed. It is, instead, the extent to which that record survives past the maximum age of juvenile court jurisdiction and is used in adult criminal proceedings.

To answer the above questions a questionnaire was sent in October 1979 to a national sample of prosecutors. The return rate was 66 percent, resulting in an overall sample size of 71.[10] The questionnaire dealt with the prior record information the prosecutor usually had when processing the case of a young adult defendant, the prosecutor's opinion as to the quality of the information, the effect that such information has on his or her decisions, and other related matters. Factual information about the jurisdiction (e.g., size, age of majority, felony caseload) was also obtained.

The respondents were told the survey asked about the access their office had to criminal history information concerning young adult felony defendants, defined as "those defendants who are only two or three years past the maximum age of juvenile court jurisdiction. In most jurisdictions, this will mean 18-21 year old defendants, but in others it may mean 16-19 or 17-20 year old defendants." The respondents were asked to

keep the two to three year age range constantly in mind when completing the survey. By focusing attention on young felony defendants just past the age of majority, we hoped to understand the extent of information shared between the juvenile and adult courts in cases where presumably the information is particularly pertinent.

To supplement the questionnaire information, a review of legal statutes governing the confidentiality of records, the fingerprinting and photographing of juveniles, and related items was conducted.[11] This additional information was combined with the questionnaire data in the analysis.

THE EXTENT AND TYPE OF JUVENILE RECORD INFORMATION SHARED

Police-Provided Juvenile Records

The prosecutor has a number of potential sources from which to obtain a defendant's juvenile history. The police may make a record of juvenile contacts, even though no formal arrest occurred. If an arrest occurs, a police arrest record will probably be created. If the juvenile is referred to probation for a petition request, another set of more comprehensive records is created. And if the case is adjudicated in court, still another set of records containing subsequent court actions will be created. Conceivably, the prosecutor could contact each of these departments and request criminal record information on defendants brought before him. However, for the most part, the prosecutor relies on the information supplied by the police investigator at the time of filing. Prosecutors do not normally have sufficient investigative resources to supplement the police-provided information except in unusual situations. Since juvenile histories may be difficult to locate or incomplete (e.g., arrests with no dispositions) police may not routinely provide them either. This led one panel of experts to conclude "in most jurisdictions, at the critical early stages of adult prosecution, records of adjudication in the juvenile court are often not available."[12] We examine the validity of this assumption below.

In our survey each prosecutor was asked, "When you are handling the case of a young adult (two to three years past maximum age of juvenile

court jurisdiction) how often do the police, as part of their investigation report, provide your office with information concerning the defendant's juvenile criminal history? What type of information is usually contained in these reports (e.g., local arrests, statewide dispositions)?" Table 1 contains their responses.

Table 1

EXTENT AND TYPE OF JUVENILE HISTORY INFORMATION PROVIDED BY POLICE

How Often Do the Police Provide Juvenile Histories?		What Type of Information Is Provided?
Always	(6%)	Local information only (80%)
Usually	(13%)	Arrests only (10%)
Sometimes	(21%)	Dispositions only (15%)
Rarely	(35%)	Arrests and dispositions (75%)
Never	(25%)	Local and statewide information (15%)
		Arrests only (0%)
		Dispositions only (12%)
		Arrests and dispositions (88%)
		No set pattern; whatever is available or known (5%)

Sixty percent of our respondents said the police "never" or "rarely" provided them with juvenile histories on young adult defendants. Further, when juvenile histories are provided, they refer mostly to local rather than statewide activities.

It is conceivable that those prosecutors who report receiving little information concerning the defendants' juvenile history also report receiving little information from the police concerning adult criminal histories. To see if this was the case, each prosecutor was also asked about police-provided adult criminal histories. The comparison in Table 2 shows

that in 74 percent of the jurisdictions adult criminal histories are "usually" or "always" provided, as compared to 19 percent for juvenile histories. Additional analysis showed that 50 percent of the jurisdictions reported that the police-provided adult histories include statewide arrests and dispositions.

Table 4-2

EXTENT OF JUVENILE AND ADULT CRIMINAL HISTORIES PROVIDED BY POLICE

Extent	Police Provide Juvenile Records	Police Provide Adult Records
Always	6%	44%
Usually	13%	30%
Sometimes	21%	15%
Rarely	35%	7%
Never	25%	4%

The responses in Table 2 are informative in that they reflect the extent to which the sharing of juvenile records has become routine practice. This appears to be true in, at most, 19 percent of the jurisdictions.

What factors influence whether the police provide the prosecutor with juvenile records in jurisdictions where such sharing is not routine? Approximately half of the prosecutors said juvenile records would be included in the police report if the current offense was particularly serious. The other half reported that juvenile records were provided when the investigating officer had personal knowledge of the defendant's history, i.e., "when the cop knows."

The most common instrument for sharing juvenile histories is the "rap" sheet. Fifty percent of the prosecutors said the information they received was in the form of a rap sheet, which usually lists all police contacts and arrests. Rap sheets have been sharply criticized because they often record mere inquisitional suspicion, along with provable law violations. One of the revisions sought during the past decade is to

require a statement of the disposition of the case on the rap sheet. The majority of prosecutors who said they received juvenile rap sheets from the police indicated that local arrests and dispositions were usually present. Somewhat surprising is the fact that the other half of the responding prosecutors said juvenile histories were provided more informally; 10 percent said the police told them orally, 30 percent said information was contained in investigation notes, and 10 percent said the report would include Xerox copies of index cards, and other miscellaneous materials.

Prosecutor-Initiated Juvenile Records

The prosecutor is not totally dependent on the police for defendant-related information. The prosecutor may have his or her own investigative personnel or may have several police investigators assigned for use in follow-up investigations. And in some rare instances, the prosecutor may conduct limited investigations. It is conceivable that the prosecutor may judge juvenile records of such importance that he or she directs resources to locating them. We were interested in how common this upgrading of police-provided information was. Each respondent was asked "How often does your office attempt to locate its own information about the juvenile criminal histories of young defendants? What type of information are you usually able to locate?" The responses are contained in Table 3.

Table 3

EXTENT AND TYPE OF JUVENILE HISTORY INFORMATION LOCATED BY PROSECUTOR

How Often Do You Attempt to Locate Juvenile Histories?		What Type of Information Are You Usually Able to Locate?
Always	(11%)	Local information only (70%)
Usually	(15%)	Arrests only (30%)
Sometimes	(17%)	Dispositions only (3%)
Rarely	(41%)	Arrests and dispositions (67%)
Never	(15%)	Local and statewide information (17%)
		Arrests only (22%)
		Dispositions only (11%)
		Arrests and dispositions (67%)
		No set pattern; whatever is available or known (13%)

Prosecutors do not routinely attempt to locate juvenile histories. Seventy-five percent of the prosecutors said serious administrative problems and resource constraints limited their ability to search for juvenile records except in unusual circumstances. The problems cited most often were "insufficient manpower for record search" (32 percent); "locating the records" (30 percent); and "cooperation from other agencies (38 percent).

When prosecutors did search for juvenile records they usually checked back with the police (66 percent), looked at previous probation reports (41 percent), or searched their own records (50 percent). Only eight percent of the prosecutors said they consulted a statewide information system. Prosecutors were also asked which source contained the most accurate and complete juvenile record information. The probation department records were ranked the highest (26 percent); the prosecutor's own juvenile register next (15 percent); then, police department files (12 percent); and lastly, statewide information systems (5 percent). Eighteen percent of the respondents wrote in some "other" local file as the most accurate and complete.

Each prosecutor was also asked whether he sought his own information on adult criminal histories. A comparison between the degree to which the prosecutor seeks juvenile as compared with adult histories is contained in Table 4.

Table 4

EXTENT OF PROSECUTOR'S ATTEMPTS TO LOCATE
JUVENILE AND ADULT CRIMINAL HISTORIES

	Percent of Responding Jurisdictions	
Extent	Prosecutor Seeks Juvenile History	Prosecutor Seeks Adult History
Always	11%	62%
Usually	15%	13%
Sometimes	17%	8%
Rarely	41%	15%
Never	15%	1%

Prosecutors nearly always search out adult histories, and very rarely attempt to locate a defendant's juvenile history, even if he or she is only 18 to 21 years old. Part of the explanation for this difference in prosecutor behavior lies in the fact that locating juvenile records appears to be a low prosecutorial priority. The other possible reason is the nature of the records being sought. Since most states do not maintain statewide juvenile criminal histories, local police records are the only source of summary information. Once the prosecutor has obtained the local police record, the only reason to search further is to find out the specific facts or disposition of an offense. Adults are more likely to be transient or to have served state or federal prison terms. Since most states maintain a statewide system for adult criminal histories, there is reason to make inquiries of them. Also, state penal codes often make special provisions for the enhancement of sentence based on prior adult convictions or prison terms. In order for the prosecutor to prove these special allegations, he must obtain more specific information than that contained in the local police records.

The responses on the extent to which the police provided juvenile histories were cross tabulated with the extent to which the prosecutor sought his own information. One might have expected an inverse relationship: if the police provided little juvenile record information, the prosecutor would more frequently seek out his own. This turned out not to be the case, and the two measures turned out to be positively related ($X^2 < .05$): the more juvenile history information the police provided, the more information the prosecutor sought. On the other hand, when the police provided little information, the prosecutor sought little. This finding suggests that either the information is unavailable, legally restricted, or so poorly organized that it cannot be easily accessed by either the police or the prosecutor, or that such information--for whatever reason--is not deemed particularly important and therefore neither agency attempts to locate it.

By combining the information the prosecutor said the police provided with that obtained from all other sources, each jurisdiction was classified as to the overall amount of criminal history information usually

available in cases involving young adult defendants. This measure of the overall extent of criminal record information becomes a primary dependent variable in later analysis. The percentage of responding jurisdictions falling into each category is given in Table 5.

Table 5

OVERALL EXTENT OF CRIMINAL HISTORY INFORMATION AVAILABLE TO THE PROSECUTOR

Extent of Information	Percent of Responding Jurisdictions in Each Category: Pertaining to Juvenile History	Pertaining to Adult History
No information (The police never bring criminal histories *and* prosecutor never obtains them)	14%	0%
Slight information (In "rare" instances the police *or* prosecutor gets local and/or statewide information. "Rarely" defined as less than 30 percent of cases)	27%	4%
Some information (The police *or* prosecutor "sometimes" gets local and/or statewide information. "Sometimes" defined as 31-69 percent of cases)	22%	24%
Moderate information (The police *or* prosecutor "usually" gets state and/or local information. "Usually" defined as 70-99 percent of cases)	34%	42%
Significant information (The police *or* prosecutor "always" gets state and/or local information)	1%	11%
Complete information (The police *and* prosecutor both get state *and* local information)	1%	18%

The data presented thus far have dealt with the amount of criminal history information used by the adult court, as well as the sources for that information. The results show clear evidence of an information gap with respect to juvenile records in adult courts. Forty-one percent of the responding prosecutors indicated they never or rarely had knowledge of the juvenile histories of young adult felons they were prosecuting. The reader is reminded that the survey did not refer to the juvenile records of all adult felons combined but to the juvenile records of those defendants just past the maximum age of juvenile court jurisdiction. On the contrary, the prosecutor would nearly always have knowledge of the adult criminal record. It appears that in some jurisdictions neither the police nor the prosecutor has the time, resources, or perhaps inclination to locate juvenile criminal histories.[13]

ASSESSING THE QUALITY OF JUVENILE RECORDS

Juvenile records have been criticized on several grounds: they are inadequate, unclear, incomplete and difficult to access. Even when they can be accessed, they often arrive so late in the criminal proceedings as to be of little use. Two reasons contribute to poor juvenile records: the nature of the juvenile proceedings themselves, and the failure of criminal justice agencies to explicitly plan for the use of these records in adult proceedings. As to the first reason, delinquency proceedings differ from adult criminal proceedings in that the specific criminal acts of the juvenile are not the central issue. Technically the juvenile court is not concerned with whether the juvenile committed a robbery, burglary, or assault. The available sanctions (or treatments, if you prefer) are not contingent on the specific type of behavior. All the juvenile court must do is find the juvenile "delinquent." This leaves the final outcome of a juvenile delinquency hearing much more ambiguous as to what the court actually found to be true, in comparison to an adult conviction. Hence juvenile records, even when they contain dispositions, are inherently more ambiguous than adult records.

A second reason for the poor quality of juvenile records is that most jurisdictions have not made explicit provisions for their use in adult

proceedings. The original image of the juvenile court as a child welfare agency left it unclear whether it was a court of record. Since there is no established unified policy with respect to juvenile record-keeping, each agency is left to formulate its own local policies regarding the creation and dissemination of such materials. The serious deficiency of resources across juvenile justice does not encourage agencies to put much energy into developing record-keeping systems. Even when records exist, they are difficult to access by adult court personnel due to inadequate staffing, poor physical layout, and their often remote location.

To provide a measure of the prosecutors' satisfaction with juvenile record systems, the survey asked them to compare the juvenile and adult systems concerning the ease of access, timeliness, completeness, and clarity. This comparision also enabled a determination of whether the quality was a reflection of the poor quality of records in general in the jurisdiction, or was unique with respect to juvenile records. Their responses are tabulated in Table 6. The responses indicate that the majority of prosecutors find their adult record system to be better than their juvenile system on each of the measures. This was particularly true on the ease of access and the completeness of statewide arrest information.

Table 6

COMPARISON OF THE QUALITY OF JUVENILE AND ADULT RECORDS

	Percent of Respondents Rating Records as				
Quality Item	Adult Much Better than Juvenile	Adult Somewhat Better than Juvenile	Adult and Juvenile the Same	Adult Somewhat Worse than Juvenile	Adult Much Worse than Juvenile
Ease of access	74	15	10	2	-
Timeliness with which you receive it	57	28	13	-	2
Completeness of local arrest information	53	24	21	3	-
Completeness of statewide arrest information	66	18	13	2	2
Clarity of local final disposition information	47	26	25	2	-
Clarity of statewide final disposition information	52	29	15	3	2

Although adult records were generally rated of higher quality than juvenile ones, it is somewhat surprising that adult records were rated as poorly as they were. Adult records do not fare well, even though they have been the subject of more management and computerization. For example, only 47 percent of the respondents said the clarity of adult local dispositions was "much better" than local dispositions on juvenile records. We expected the adult record ratings to be substantially higher than juvenile record ratings in every aspect. Further examination of the responses showed that the quality of records varied as much between jurisdictions as it did between juvenile and adult records (except in terms of accessibility where juvenile records were judged less accessible across jurisdictions).

The respondents were also asked to rate the absolute quality of their juvenile records along the same characteristics. Responses show that the majority of prosecutors (one-half to three-fourths) judge the juvenile records they receive fair to poor in most respects.[14] More than 60 percent of those who receive statewide information judged it to be poor in terms of completeness and clarity. Local information is better, although about half of the respondents felt their local arrest information was incomplete and the dispositions unclear. Previously we had shown that few prosecutors received statewide information; these results suggest that even if such information is received, the prosecutor feels that it is incomplete and unclear.

Not all jurisdictions rated juvenile records poorly. Six jurisdictions rated their juvenile records as "excellent" in all respects, and twelve jurisidictions rated their records as either good or excellent in each aspect. These jurisdictions were more likely than others to have:

- Rather complete information from the police prior to the preliminary hearing.
- No legal restrictions governing the fingerprinting and photographing of juveniles.
- Few legal restrictions governing maintenance and access of juvenile records.

- Formal Career Criminal Prosecution Program in operation.
- Pre-sentence investigation reports which include complete juvenile record information (arrests and dispositions).
- Juvenile records stored in a central place, making them easy to retrieve.

THE POINT IN THE PROCEEDINGS WHEN JUVENILE RECORDS BECOME KNOWN

If a defendant's criminal history is not known early in the proceedings it cannot affect early prosecutorial decisionmaking, e.g., decisions as to whether to file criminal charges, which charges to file, whether to go to trial, what the disposition should be if the case does not go to trial, etc. It has been argued that such important decisions should be based on complete knowledge of the defendant's prior record, both juvenile and adult.[15] However, we suspect that such is not the case, given the difficulties associated with obtaining prior records.

Each prosecutor was asked whether he was likely to have the defendant's juvenile and adult criminal record at different stages of the proceedings. Again, this information was requested for cases specifically involving persons just past the maximum age of legal majority. Table 7, which shows the percentage of respondents who said they would not have prior record information at the particular point in the proceeding, is informative in several respects. Importantly, it shows that juvenile record information often arrives quite late in criminal proceedings. Seventy-eight percent of the prosecutors report not having a defendant's juvenile record at the time charges are filed, and 72 percent still do not have such information by the time of the preliminary hearing. Almost half of the respondents do not have information on a defendant's juvenile record at the time of pretrial negotiations, and a full 23 percent move through sentencing without such information.

Table 7

KNOWLEDGE OF CRIMINAL RECORD BY POINT IN PROCEEDINGS

Point in Proceedings	Percent of Respondents Who Would *Not* Have Knowledge of: Juvenile Criminal History	Adult Criminal History
At bail hearings	96	80
When filing charges	78	55
At preliminary hearing	72	44
Pretrial negotiations	45	16
Sentencing	23	0

Information on the defendant's adult criminal history is more timely, although half of the prosecutors have no information concerning the adult record until after they have made the decision as to the filing of charges.

THE PERCEIVED EFFECT OF JUVENILE RECORDS ON ADULT PROSECUTION

The impact a juvenile record has on adult prosecution is not well known. We questioned prosecutors about their opinions of the impact of a juvenile prior record, as opposed to an adult one, on case disposition.

Each prosecutor was told to "consider the hypothetical case of a 19-year-old male arrested for a daytime residential burglary. In one instance, this is the arrestee's first adult arrest, but his juvenile record reveals two prior adjudications for burglary. In the second instance, the arrestee's record reveals a prior adult burglary conviction (no information on his juvenile record)." The prosecutor was then asked: "What impact would the presence of the juvenile record have on disposition decisions in your jurisdictions? What impact would the presence of the adult record have on disposition decisions in your jurisdictions?" The

percentage of respondents who said the presence of a prior record would have a significant effect (as opposed to no or slight effect) is shown in Table 8.

Table 8

EFFECT OF PRIOR RECORD ON PROSECUTORIAL DECISIONMAKING

Prosecutor Decisions	Percent of Respondents Replying Prior Record Would Have "Significant Effect"	
	Juvenile Record	Adult Record
Chances of diversion	71	87
Chances of dismissal	62	75
Level of bail	37	53
Chances for release on his own recognizance	31	55
Chances for concessions in plea bargaining	63	86
Final sentence severity	53	87

Each decision is affected by the presence of an adult record more so than a juvenile record. The decisions least affected by a prior record, whether juvenile or adult, have to do with pre-filing decisions, such as the level of bail or whether to release the defendant on his own recognizance. An interesting point in Table 8 is that only 53 percent of the prosecutors say that knowledge of a defendant's juvenile history would be used in determining final sentence severity, whereas 87 percent say a prior adult record will affect sentence severity. This appears to support the notion that defendants start over on the "ladder of dispositions"--not only because the adult court does not know their records, but because, even when they are known, there is a tradition of not weighting such records similarly.

Whether or not these results are surprising depends on your perspective. Clearly, we expect juvenile records to have lesser effect than adult records,

as they seem to. If you believe that juvenile adjudications are not criminal, then you may be disturbed by the high percentage of prosecutors (60-70 percent) who say that juvenile records would affect decisions such as dismissal or plea bargaining. If you believe the juvenile records should be used, but suspected they were not, then you may be somewhat satisfied. On the other hand, if you have listened to prosecutors fault other parts of the criminal justice system for failing to act in a manner consistent with the objectives of crime control, then you may be surprised that so many prosecutors discount juvenile records in making their decisions.

THE CHARACTERISTICS OF INFORMATION-SHARING JURISDICTIONS

Our survey revealed great variation among jurisdictions in the extent and quality of juvenile information shared, as well as the degree to which the prosecutor says such information affects decisionmaking. Some jurisdictions received no juvenile information from the police, and sought none themselves; others received complete information and utilized such information at each stage in defendant processing. In this section our interest is in the factors associated with variations in information-sharing. Such factors include the legal age of maximum court jurisdiction, the extent of statutory restrictions, the size of the jurisdiction, and the extent of administrative problems. We also explore the association between the amount of information, its quality, and use. We regard this analysis as exploratory, given the small sample size and the nature of the data.

The Impact of Legal Restrictions on Information-Sharing

The juvenile proceeding is civil rather than criminal, and no taint of criminality is supposed to be attached to any juvenile court finding. In this vein, numerous laws have been established to govern the manner in which juvenile records are created, maintained, and disseminated. Statutes pertaining to juvenile records for the most part are not intended to limit prosecutorial access to juvenile records directly. It is conceivable, however, that specific statutes might have indirect impacts on information-

sharing between the juvenile and adult courts. We explored the relationships between information-sharing and (1) confidentiality statutes, (2) expungement statutes, and (3) statutes limiting the fingerprinting and photographing of juveniles.[16] These statutes are briefly outlined below.

Confidentiality of Juvenile Records. As previously mentioned, juvenile court records are "confidential" by statute in nearly every state, and the statutory provisions for privacy include police juvenile records in more than one-half of the states. While probation department juvenile records are usually not mentioned explicitly in such statutes, one would expect them to be handled with restrictions similar to court records; in fact, many of the documents produced by probation departments in juvenile cases are incorporated in the juvenile court records. However, because of ample exceptions included in the confidentiality statutes, we expect the effect is to achieve confidentiality relative to the private sector, i.e., the media and the public, but much less than confidentiality relative to law enforcement and criminal justice. It is not obvious how these restrictions might impact prosecutorial access to such information; however, it may be that these restrictions inhibit systematic record-keeping or encourage the maintenance of lower quality records.

Expungement and Sealing of Juvenile Records. Only eighteen states[17] lack statutory provisions for sealing or expungement of juvenile court records.[18] In two states (Alaska and Montana) sealing is mandatory when the juvenile reaches 18 years (or leaves the juvenile court's jurisdiction if it extends beyond the 18th birthday). Sealing or expungement is discretionary in the remainder. Whether this action requires the juvenile's petition, the court's motion alone, or both, varies from state to state. In most discretionary states there is a waiting period which must be free of known offenses before juvenile court records are eligible for sealing or purging. This period, typically two years or more, may be measured relative to a specified age, to the date of the most recent adjudication, to the date when court jurisdiction terminated, or otherwise.

Statutory provisions for the sealing or expungement of the juvenile (criminal) records of law enforcement agencies or probation departments are

generally not given independently, but rather as adjuncts to the juvenile court record provisions. Even where such explicit statutory mandates are lacking, one would expect the juvenile court's sealing or expungement order to be generally respected by other agencies possessing the affected parts of the juvenile's record. However, studies have shown that such orders may be far from effectual--statutory provisions or not--beyond the court's own files.[19]

The Ability of the Police to Fingerprint or Photograph Juvenile Arrestees. The photographing and fingerprinting of juveniles have been matters of continuing controversy, for they have been regarded as strongly stigmatizing. At the same time, the need for positive identifications in both juvenile and criminal justice is unquestionably vital. Statutory regulation of juvenile fingerprinting and photography is uneven, with 49 percent of our jurisdictions having no statutory restrictions on the fingerprinting and photographing of juveniles.[20] Only a few states limit the fingerprinting of juveniles and provide for the expungement of the fingerprint records.

In addition to the statutory information, the survey asked prosecutors: "Are there any legal restrictions on your access to the juvenile records of young adult felony defendants prior to their conviction?" If they responded in the affirmative, they were asked what types of records were restricted. Sixty-three percent of the prosecutors indicated some records were restricted to them. Of those who said records were restricted, 53 percent said police files were restricted, 67 percent said probation department juvenile files, and 95 percent said juvenile court records.

The analysis examined the amount, quality, and use of juvenile information the prosecutor receives in light of the above statutory restrictions. The findings are perhaps contrary to expectations. There was no evidence that the presence of any of these legal restrictions was related to the amount of information shared. None of these restrictions were related to the type of juvenile data received (i.e., state or local) or the frequency with which the police brought the prosecutor juvenile records; or the extent to which the prosecutor sought juvenile records.

Further, there was no evidence that the presence of any of these restrictions affected the manner in which the prosecutor used juvenile records in making decisions about adults. Even the extent to which the prosecutor himself reported being legally restricted from access to certain types of juvenile records was unrelated to the extent of information used or the effect of such information on his decisions. A majority of the prosecutors reported being restricted from using juvenile court records; but these persons appear to rely on police and probation records instead.

It was found, however, that the presence of these legal restrictions was related to the prosecutor's assessment of juvenile record quality. The greater the legal restrictions, the lower the quality of the juvenile records. For example, prosecutors were more likely to rate the juvenile records as being incomplete or inaccurate in jurisdictions where the police were not permitted to photograph or fingerprint juveniles.

These findings on the relationship between legal restrictions and the extent, quality, and use of juvenile records have a number of implications. It may be that violent crimes by youths have created pressure for information regarding juvenile records, so that while a number of legal procedures that limit this information are theoretically available, in practice this legal machine has little effect, and the effects it has produced may not be in the desired direction. Such statutes may be reducing the quality rather than quantity of the information.

The finding that prosecutors rely heavily on police and probation records for juvenile history information is of some concern. What type of information do such reports contain? The subject of the contents of these reports is extremely important because virtually all juveniles who come into contact with the police may have police records. In some jurisdictions records are made (complete with mug shots) and maintained on even those juveniles "picked up" by police and released without further action.

One danger in using these police records is that they do not always accurately reflect the minor's conduct. A former Los Angeles judge recently described a case involving a 14-year-old youth whom the police charged

with child molesting because he kissed his 13-year-old girl friend in public. The boy was simply reprimanded and sent home, but the arrest record labeled him a child molester, and was part of his social profile for the rest of his life.[21]

The potential for the misuse of police record information is great. Similar problems can be found in probation reports, which list every contact a minor has had with the police. A list of numerous contacts on a youth's record is likely to create a strong bias against him. Yet a contact may not even mean an arrest, and even an arrest may not have resulted in conviction. If the matter never proceeded to trial, theoretically the minor has been cleared. But the inference that will be made by most is that "where there's smoke, there's fire."[22]

The author believes, based on these limited data, that the law does not seriously affect the prosecutor's access to juvenile records; however, it may affect the records' quality. The result may be that prosecutors rely heavily on what may be incomplete or misleading information.

The Relationship Between Jurisdictional Age and Information-Sharing

It is quite possible that the legal age of maximum juvenile court jurisdiction influences information-sharing. If the adult court assumes jurisdiction at age 16, as opposed to age 18, the pressure for information on juvenile activities may be lessened simply because a larger fraction of his or her criminal career is recorded in adult records. In a sense, the adult court may perceive little need to find out about previous activities. This hypothesis is examined below.

The maximum age of juvenile court jurisdiction for the sample closely approximates the national situation. In analyzing variations in information-sharing by age of jurisdiction, we found that the extent of information-sharing increased as the age of maximum juvenile court jurisdiction increased. The police provided juvenile records to the prosecutor earlier and more often in jurisdictions where the maximum age of juvenile court jurisdictional age was 17 ($X^2 p<.05$). This point is illustrated in Table 9 by a cross-tabulation of jurisdictional age, by the point in the proceedings

when a prosecutor becomes aware of the defendant's juvenile record. These findings must be regarded as tentative, since there were too few jurisdictions with a 15-year-old maximum jurisdictional age to permit statistical analysis.

Table 9

POINT IN PROCEEDINGS WHEN JUVENILE RECORD IS KNOWN, BY AGE OF JUVENILE COURT JURISDICTION

Age of Jurisdiction	Percent[a] of Respondents Who Would Know About Juvenile Record: At Bail Hearing	When Filing Charges	At Preliminary Hearing	Pre-Trial Negotiations	Sentencing	Never
15 (n = 8)	25	37	37	50	50	50
16 (n = 16)	7	27	27	67	80	20
17 (n = 48)	0	19	27	52	81	18

[a]Cumulative percentages.

Maximum age of juvenile court jurisdiction was not related to either the quality of juvenile records or the prosecutors' ratings of how juvenile records influenced their decisionmaking. We had expected that prosecutors in jurisdictions with a higher age of majority would use juvenile record information more. Logically, they should feel more confident about relying on information that pertains to a larger part of the defendant's criminal career. However, there was no support for this contention, and in fact, the data suggested the opposite direction. That is, prosecutors in age 15 and 16 jurisdictions were more likely to say that juvenile records had a "significant effect" on each of their decisions (from diversion through sentencing). This finding is consistent with the notion that regardless of the legal distinctions, persons are treated as juveniles through age 18.

Administrative Problems and Information-Sharing

Most of the responding prosecutors reported serious administrative problems which hindered their access to juvenile records. Some said they

had insufficient manpower to locate past criminal histories; others had problems in actually locating the records. The records were often not centrally stored, and even if the location of the records was obvious, they were still not easy to retrieve. A significant number of prosecutors (38 percent) also felt that lack of cooperation from other criminal justice agencies hampered their access. Prosecutors who reported these problems were less likely to search for additional juvenile history information and more likely to rely on information in the police investigation report. Although these administrative problems were statistically related to the extent and type of juvenile information in a jurisdiction, there was no relationship between these problems and the degree to which the prosecutor used juvenile record information in his decisionmaking. It appears that administrative problems significantly affect the extent and type of information prosecutors have access to, but that regardless of these factors they use the information similarly. This suggests that these administrative problems encourage prosecutors to use less than complete juvenile histories, but that they use them, nonetheless.

Size of Jurisdiction and Information-Sharing

Each of the responding jurisdictions was classified as a small, medium, or large jurisdiction based on the number of felony cases it handled per year.[23] We then examined the relationship between size of jurisdiction and the various aspects of information-sharing.

It is not obvious how jurisdiction size affects information-sharing, but we might hypothesize that larger jurisdictions have higher levels of crime[24] and thus have a greater need to utilize complete criminal history information. On the other hand, because larger jurisdictions are more likely to be plagued with more serious congestion, the records kept and disseminated may be more incomplete. Smaller jurisdictions may have a more manageable task in creating and disseminating juvenile record information. We found no association between size of jurisdiction and the extent or type of juvenile records the police brought to the prosecutors, or the prosecutors sought out themselves. Smaller offices were just as likely to receive and solicit juvenile histories as the larger offices. However, we

did find significant differences with respect to the size of jurisdiction and the extent to which the prosecutor said juvenile histories had a significant impact on decisionmaking. The larger the jurisdiction, the more likely the prosecutor was to use juvenile histories at every stage of adult processing ($X^2 p<.05$). It may be that with a more serious crime problem, the prosecutor uses all available information and is less likely to be influenced by other competing theories.

The Presence of a Career Criminal Prosecution Program

Forty-five of the seventy-one jurisdictions reported having a career criminal prosecution program.[25] The presence of a career criminal prosecution unit would undoubtedly influence the prosecutor's awareness of the defendant's adult criminal history, information that is used in deciding whether an arrestee will be considered a "career criminal" for prosecution purposes. However, whether such a program also encourages the sharing of juvenile records was not known. We found a greater amount of information-sharing between the juvenile and adult courts in career criminal jurisdictions. Only two percent of the career criminal jurisdictions said they did not know a defendant's juvenile record at some point in the proceedings, while this was true with approximately thirty percent of the non-career criminal jurisdictions. Career criminal jurisdictions also reported using juvenile records more at each stage in the adult criminal proceedings ($X^2 p<.005$). It is likely that as career criminal prosecution programs continue to expand, adult and juvenile records will be used more often in adult prosecution. The presence of a career criminal prosecution program is currently an innovative practice. Jurisdictions that have elected to become part of the "experiment" are undoubtedly more progressive than jurisdictions in general. As the career criminal prosecution program expands, the innovativeness of the joining offices will be less than that of the original offices, so that the use of juvenile records may not be as strongly correlated with the presence of career criminal programs as was evidenced in our survey. However, as these programs expand, there will be a trend toward using all types of criminal history information, unless there is a public outcry to the contrary.

The Presence of Computerized Juvenile Record-Keeping Systems

Approximately twenty percent of the jurisdictions reported some type of juvenile computerized record-keeping systems on the local or county level, and eight percent of the jurisdictions reported a statewide juvenile computerized system. However, the presence of a computerized system was not statistically related to the prosecutor's assessment of the quality or amount of information he received, or the effect of such information on case dispositions.

SUMMARY AND CONCLUSIONS

It is clear from this survey that information-sharing between juvenile and adult courts is a muddy area, full of greys. Few jurisdictions report "always" or "never" having juvenile information. The vast majority of jurisdictions receive juvenile record information sporadically--when the police officer has personal knowledge of the defendant's background, or when the crime is particularly serious. Prosecutors and police report few formal directives in this area. Information-sharing is primarily the result of local policy, subject to the whims of the police, prosecutor, and probation officer. These results will be differently interpreted depending on one's perspectives--some will find the glass half empty while others will judge it half full. The main findings are recapitulated below.

- Nearly half of the adult prosecutors responding to the survey reported receiving little or no juvenile record information on young adult felony defendants in their jurisdiction. When juvenile records were available, they nearly always referred to local rather than statewide arrests and dispositions. When statewide information was available, the prosecutor rarely used it because he judged the information difficult to interpret and incomplete.
- Key prosecutorial decisions are made concerning young adult felons without knowledge of their juvenile histories. Even when the prosecutor obtains information, it often arrives so late in the proceedings as to have little effect on early

decisionmaking, such as whether to file charges or which charges to file. By the point of the preliminary hearing, only 28 percent of the prosecutors said they were likely to have knowledge of the young defendant's juvenile record (56 percent would have knowledge of the adult record).

- If prosecutors had fuller knowledge of a young adult's juvenile history, they would not hesitate to use it in most aspects of case disposition, although an adult record would carry more weight. Forty-four percent of those jurisdictions who currently receive only slight juvenile record information said such information would have a significant effect on their decisions if it were available. Knowledge of the juvenile record would not profoundly affect decisions regarding bail, but would affect the chances of diversion, dismissal, and plea bargaining. However, knowledge of the juvenile record was seen as less important in reaching a decision on final sentence severity.
- The extent of statutory restrictions appeared unrelated to the amount of information shared, or the impact of such information in decisionmaking (e.g., existence of confidentiality statutes, expungement and sealing statutes, ability of police to fingerprint and photograph juveniles). However, there was a relationship between statutory restrictions and the assessed quality of the information: the more the restrictions, the more the prosecutor complained about the quality.
- The prosecutor's opinion of the quality of juvenile record information was not related to the extent to which it was used in deciding case dispositions.
- Prosecutors judged probation records the most accurate, although police records were used most often. An examination of these police records revealed that in many instances dispositions were not reported.

- The age of maximum juvenile court jurisdiction was associated with the amount of information shared: our preliminary finding is that as information-sharing increased, the age of maximum jurisdiction increased. If the adult court assumes jurisdictions at age 18 as opposed to 16, the pressure to obtain information from the juvenile court may be heightened because the activities of ages 15-16 are deemed important.
- We found no association in our data between the size of the prosecutor's office and the extent or quality of information shared between the juvenile and adult courts. However, larger jurisdictions (with higher crime rates) reported that juvenile histories were more likely to significantly affect each stage of adult decisionmaking.
- The presence of a career criminal prosecution program appears to encourage the sharing of both adult and juvenile criminal histories.
- The presence of computerized, as opposed to manual, information systems does not appear to increase the amount, quality, or use of the juvenile record information by the prosecutor at the present time. We suspect, however, that over time, computerization will increase the sharing of juvenile and adult criminal histories.

At this point it is unclear as to whether the middle ground most prosecutors claim to be in, regarding access to juvenile records, is the result of self-conscious policy decisions or accident. It could be that police and prosecutors only go the extra effort of reviewing juvenile records in those marginal cases where the record will make a difference. It could be that the records are randomly distributed and represent no conscious selectivity at all. We cannot resolve that question by asking prosecutors alone, since they are strongly motivated to see some rational basis behind the patterns of access with which they must contend.

REFERENCES

1. See J. Petersilia, P. W. Greenwood, and M. Lavin, Criminal Careers of Habitual Felons, The Rand Corporation (1978); M. Peterson, H. Braiker, and S. Polich, Doing Crime, The Rand Corporation (1980).

2. Petersilia, op. cit.

3. Petersilia, and Peterson, note 1 supra.

4. L. Shannon, Assessing the Relationship of Adult Criminal Careers to Juvenile Careers, forthcoming, (1980); M. Wolfgang, "From Boy to Man--From Delinquency to Crime." Paper prepared for National Symposium on the Serious Juvenile Offender, University of Pennsylvania (1977).

5. In Re Holmes, 379 Pa. 599, 604, 109 A. 2d 523, 529 (1954).

6. See B. Boland and J. Q. Wilson, "Age, Crime, and Punishment," The Public Interest (Spring 1978).

7. Related literature was reviewed and helped guide the design of the survey. However, this literature refers primarily to the philosophy surrounding juvenile record protection, sealing, and expungement, and the use (and misuse) of those records within the juvenile court. We are aware of no previous attempt to directly address the issue of information-sharing between the juvenile and adult courts. For these related issues, see for example, J. Note, "Juvenile Police Record-Keeping," Columbia Human Rights Law Review, Vol. 4:461-484 (1972); Edwin M. Lemert, "Records in Juvenile Court," in Stanton Wheeler (ed.), Files and Dossiers in American Life, Russell Sage Foundation, New York, pp. 335-387 (1969); Paul Piersma et al., "The Juvenile Court: Current Problems, Legislative Proposals, and a Model Act., Saint Louis University Law Journal, Vol. 20:1-99 (1975); John Coffee, "Privacy Versus Parens Patriae: The Role of Police Records in the Sentencing and Surveillance of Juveniles," Cornell Law Review, Vol. 57:571-594 (1972); Terry L. Baum, "Wiping Out a Criminal or Juvenile Record," Journal of the State Bar of California, Vol. 46:816-830 (1965); and B. Kogan and D. Loughery, "Sealing and Expungement of Criminal Records--The Big Lie," Journal of Criminal Law, Criminology, and Police Science, pp. 378-385 (1970).

8. This research was funded by The National Institute of Justice, Contract No. 78-NI-AX-0102.

9. Principles for the Creation, Dissemination and Disposition of Manual and Computerized Juvenile Court Records, Model Court Systems and Technology Committee, National Council of Juvenile and Family Court Judges (1978).

10. The sampling procedure was as follows: For the ten largest states, the prosecutors in the three largest counties were included. For the remaining states, the prosecutors in the two largest counties were included. The questionnaire was mailed to these persons with a cover letter explaining the purposes of the study. The return rate for the ten largest states was 21/30 (70 percent); for the remaining states, 50/70 (64 percent); or an overall return rate of 71/108 (66 percent). Only four states remain unrepresented--Delaware, Mississippi, Tennessee, and Alabama. The questionnaire contained approximately thirty questions, many of them multi-part and open-ended. It was estimated that the survey required approximately one hour to complete.

11. The majority of the statute information was drawn from J. Austin, R. Levi, and P. J. Cook, A Summary of State Legal Codes Governing Juvenile Delinquency Proceedings, Center for the Study of Criminal Justice Policy, Duke University (July 1977); Samuel M. Davis, Rights of Juveniles--The Juvenile Justice System, and 1978 Supplement, Appendix B, Clark Boardman Co., Ltd., New York 1974 (1978). The information was updated by Marvin Lavin, an attorney at The Rand Corporation.

12. F. Zimring, Confronting Youth Crime: Report of the Twentieth Century Fund Task Force on Sentencing Policy Toward Young Offenders, background paper, Twentieth Century Fund, Holmes & Meier Publishers, Inc., New York (1978).

13. Before proceeding, it should be noted that a least-squares linear multivariate regression model was used to analyze the effect of fifteen selected independent variables upon the primary dependent variables--the extent of juvenile criminal history information shared with the prosecutor. As a result of this procedure, all fifteen independent variables produced R^2 of .548 upon the dependent variables with an F-value of 2.2 at .05 probability level of significance. This analytic technique was used primarily as a means of exploring relationships in the data base. The nature of the data was such that it was deemed more appropriate to use cross-tabulations as opposed to this more sophisticated technique.

14. Only respondents who receive some juvenile record information were instructed to rate its quality.

15. For example, see Mark H. Moore, James Q. Wilson, and Ralph Gants, "Violent Attacks and Chronic Offenders: A Proposal for Concentrating the Resources of New York's Criminal Justice System on the 'Hard-Core' Crime Problem," New York State Assembly (1978).

16. Our statutory information was drawn from two published reviews of legal codes governing juvenile delinquency proceedings: Austin et al. (1977) and Mark M. Levin and Rosemary C. Sarri, Juvenile Delinquency: A Comparative Analysis of Legal Codes in the United States, National Assessment of Juvenile Corrections, University of Michigan (1974).

17. Alabama, Arkansas, Hawaii, Illinois, Iowa, Maine, Massachusetts, Michigan, Minnesota, Mississippi, New Hampshire, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, and Wisconsin.

18. This information on sealing or expungement is drawn from J. Austin et al., A Summary of State Legal Codes, op. cit. Also, see the review of case law given in 71 ALR3d 753, "Expungement of Juvenile Records."

19. See the discussion of the weakness of expungement procedures in Lennert, op. cit., pp. 382-383. See also Terry L. Baum, "Wiping Out a Criminal or Juvenile Record," California State Bar Journal, Vol. 46:816-830 (1965); and Kogan and Loughery (1970), op. cit.

20. See Levin and Sarri (1974).

21. Joseph N. Sorrentino, The Concrete Cradle: An Exploration of Juvenile Crime--Its Causes and Cures, Wollstonecraft Incorporated, Los Angeles (1975).

22. On this particular question, the appellate court ruled in People v. Calloway, (1975), that a juvenile court may not consider a youth's police record in passing sentence.

23. Small offices were those that processed fewer than 2000 felony cases per year (41 percent of the jurisdictions); medium offices processed between 2001-5999 cases per year (38 percent); and larger offices processed more than 6000 felony cases per year (21 percent).

24. There was a positive correlation between the size of the office (i.e., number of prosecutors) and the violent crime rate for the county in which the district attorney was located.

25. A career criminal prosecution unit sets aside a group of prosecutors exclusively for the prosecution of defendants with serious prior criminal records. See J. Petersilia, Targeting Career Criminals: A Developing Criminal Justice Strategy, The Rand Corporation, P-6173 (1978).